

REMARKS

Applicants and their representative appreciate the time and courtesy extended by the Examiner for the telephone interview conducted September 26, 2007. Applicants agree with the Interview Summary mailed September 28, 2007, and the following Remarks provide applicants' summary of the interview. As stated in the Interview Summary, it is believed that the above amendments overcome the two outstanding grounds of rejection under 35 U.S.C. §112, second paragraph, and 35 U.S.C. §103 set forth in the Final Office action mailed June 7, 2007. The amendments were not earlier presented because the grounds of rejection addressed thereby were made for the first time in the most recent Office action. The amendments do not raise new issues or present new matter and do not present additional claims. Particularly since they appear to put the application in condition for allowance, it is submitted that the requested amendments should be entered.

Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

The Rejection under 35 U.S.C. §112, second paragraph

The above amendments are believed to overcome the rejection of claims 1-5, 7-9 and 12-18 under 35 U.S.C. §112, second paragraph. The unnecessary M1 proviso is removed for the reasons stated in the Office action. Due to the additional amendment proposed here, the M3 proviso is also modified.

The Rejection under 35 U.S.C. §103

The rejection of claims 1-5, 7-9, 12, 13, 15 and 17-18 under 35 U.S.C. §103, as being obvious over Guidicelli, is respectfully traversed.

Claim 1 and claim 9 are amended to overcome the 35 U.S.C. §103 rejection. The alkylene group definition is removed from the definitions for the W group. The claims now recite that W is selected from among $-\text{CR}^{6a}\text{R}^{6b}-\text{O}-$, $-\text{CR}^{7a}=\text{CR}^{7c}-$, $-\text{CR}^{6a}\text{R}^{6b}-\text{NR}^8-$, and $-\text{NR}^8-\text{CR}^{6a}\text{R}^{6b}$, i.e., an $-\text{O}-$, $-\text{NR}^8-$ or double bond group is required in the chain. Guidicelli does not disclose or suggest compounds having such groups in the chain corresponding to the

W group. It is noted that all of the compounds listed in claim 16 contain such W groups and the subject matter of claim 16 was indicated to be allowable in the Final Office action. For the same reasons claim 16 was found allowable, it is believed that the current claim 1 (and thus all the claims) would be allowable as amended.

Request for Rejoinder

Pursuant to the discussion during the telephone interview, it is believed that amended method claims 22 and 24 are appropriate for rejoinder. The claims have been amended to more particularly define the condition(s) treated, as the Examiner suggested. The claims depend on claim 1 and require all the particulars thereof. In accordance with In re Ochiai, 37 USPQ2d 1127 (Fed. Cir. 1995), it should be evident that, since the compounds are presumably not anticipated or rendered obvious, there would be no motivation for one of ordinary skill in the art to carry out a method of use with such novel and nonobvious compounds.

No fee, other than the 1-Month Extension of Time being paid herewith, is believed to be due with this Amendment. However, the Commissioner is hereby authorized to charge any additional fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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